

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE TRUSTEES OF THE UNITE HERE
NATIONAL RETIREMENT FUND,

No. C-06-4394 MMC

Plaintiff,

v.

SAN FRANCISCO SEWING
ASSOCIATION,

**ORDER GRANTING PLAINTIFF'S
MOTION FOR ENTRY OF DEFAULT
JUDGMENT; DEFERRING ENTRY OF
JUDGMENT PENDING FURTHER
SUBMISSION BY PLAINTIFF;
VACATING HEARING**

Defendant

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Before the Court is plaintiff The Trustees of the UNITE HERE National Retirement Fund's motion, filed December 1, 2006, for entry of default judgment pursuant to Rule 55(b) of the Federal Rules of Civil Procedure. Defendant San Francisco Sewing Association, although served with the motion, has not filed opposition or any other response to the motion.¹ Having reviewed the papers filed in support of the motion, the Court deems the matter suitable for decision on the papers, VACATES the hearing scheduled for January 19, 2007, and, for the reasons stated by plaintiff, hereby GRANTS the motion, as follows:

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26 1. Pursuant to 29 U.S.C. § 1381, defendant is liable to plaintiff in the amount of

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¹Pursuant to the Civil Local Rules of this District, opposition was due no later than December 29, 2006. See Civil L. R. 7-3(a) (providing opposition to motion must be filed no later than 21 days before hearing date).

1 \$1,036,265.72, representing defendant's withdrawal liability obligation owed to plaintiff.

2 (See Perkins Decl., filed December 1, 2006, Ex. 4 at 1.)

3 2. Pursuant to 29 U.S.C. § 1399(c)(5), plaintiff is entitled to accrued interest on the
4 above-referenced unpaid obligation as of July 1, 2005, the date the first required payment
5 was not timely made. (See Perkins Decl. Ex. 4 at 4.) Plaintiff has not provided the Court
6 with an accrued interest calculation, however. Consequently, the Court will defer entry of
7 judgment until plaintiff has provided such calculation. In that respect, plaintiff shall file, no
8 later than January 29, 2007, a supplemental memorandum setting forth the amount of
9 prejudgment interest to which it asserts it is entitled, and a declaration setting forth the
10 manner in which the requested sum was calculated.²

11 3. Pursuant to 29 U.S.C. §1451(e), defendant is liable to plaintiff for plaintiff's costs
12 and reasonable attorney's fees. Plaintiff shall file a motion for an award of attorney's fees
13 and costs and/or bill of costs no later than 14 days after entry of judgment. See Civil L.R.
14 54-1(a), 54-6(a).

15 **IT IS SO ORDERED.**

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17 Dated: January 5, 2007

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MAXINE M. CHESNEY
United States District Judge

28 ²Plaintiff shall calculate the interest due as of January 31, 2007, the date the Court
intends to enter judgment.